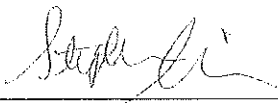


Approved:   
STEPHANIE SIMON  
Assistant United States Attorney

Before: THE HONORABLE PAUL E. DAVISON  
United States Magistrate Judge  
Southern District of New York

- - - - -	x	22MJ425
	:	<u>COMPLAINT</u>
UNITED STATES OF AMERICA	:	
	:	Violations of
- v. -	:	18 U.S.C. §§ 1951 and 2.
	:	
JAMES JOHNSON,	:	COUNTIES OF OFFENSE:
	:	BRONX, WESTCHESTER
	:	
Defendant.	:	
- - - - -	x	

SOUTHERN DISTRICT OF NEW YORK, ss.:

Patrick Lewis, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE  
(Hobbs Act Robbery)

1. On or about January 9, 2022, in the Southern District of New York and elsewhere, JAMES JOHNSON, the defendant, did knowingly commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, JOHNSON committed an armed robbery of a bodega in vicinity of 262nd Street and Broadway in the Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT TWO  
(Attempted Hobbs Act Robbery)

2. On or about January 9, 2022, in the Southern District of New York and elsewhere, JAMES JOHNSON, the defendant, did

knowingly attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, JOHNSON attempted to commit an armed robbery of a bodega at an address on South Broadway in Yonkers, New York.

(Title 18, United States Code, Sections 1951 and 2.)

**COUNT THREE**

(Hobbs Act Robbery)

1. On or about January 9, 2022, in the Southern District of New York and elsewhere, JAMES JOHNSON, the defendant, did knowingly commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, JOHNSON committed an armed robbery of a bodega at an address on McLean Ave. in Yonkers, New York.

(Title 18, United States Code, Sections 1951 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been personally involved in the investigation of the above-described offenses. I am familiar with the facts and circumstances set forth below based on my review of pertinent documents, and from my conversations with fellow law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of reports and records from law enforcement agencies, my conversations with law enforcement officers and others, and my participation in this investigation, I have learned the following:

a. On or about January 9, 2022, at approximately 3:10 a.m., the New York City Police Department ("NYPD") received a report of an armed robbery ("Robbery-1") at a bodega at an address on Broadway in the Bronx ("Bodega-1"). A victim ("Victim-1") told NYPD officers in sum and substance that a Hispanic man wearing a black coat, black pants, and a black mask, with a tattoo on the right side of his face, pointed a gun at Victim-1 and demanded money; ultimately, the man who committed the robbery made off with \$4,000. Victim-1 further stated in sum and substance that he recognized the voice of the person who pointed the gun at him, as the person was a frequent customer in the store.

b. Surveillance footage from inside Bodega-1 at the time of Robbery-1 shows a black man wearing a distinctive black hooded sweatshirt with white image of a bear on the front, whose face is not visible because he is wearing a mask, enter Bodega-1 at approximately 3:07 a.m., point what appears to be a black firearm at Victim-1, obtain what appears to be cash from Victim-1, and then leave. Surveillance footage from outside the vicinity of Bodega-1 shows at approximately 3:12 a.m. a black man whose face is visible walking down the street, wearing the same distinctive clothing as the person who committed Robbery-1 (i.e., a black hooded sweatshirt with white image of a bear on the front, and a dark jacket with fur trim). A still image ("Still-1") from the surveillance footage from outside Bodega-1 is depicted below:



c. On or about January 9, 2022, at approximately 3:16 a.m. NYPD officers found what appeared to be a black firearm, but was later determined to be a BB gun (the "BB Gun"), wrapped in a red bandana, and approximately \$100 in cash, in Van Cortland Park, on Broadway between W. 251st Street and W. 252nd Street. Based on my review of the surveillance footage from Robbery-1 and my review of the photo of the BB Gun, I believe the BB Gun was used in the commission of Robbery-1.

d. On or about January 9, 2022, at approximately 10:49 p.m., the Yonkers Police Department ("YPD") received a report of an attempted armed robbery ("Robbery-2") at a bodega at an address on South Broadway in Yonkers ("Bodega-2"). The owner of Bodega-2 ("Victim-2") told YPD officers in sum and substance that a man entered Bodega-2, pointed what appeared to be a firearm at Victim-2 and demanded money from him, at which point Victim-2 ran to the basement to escape. Victim-2 further reported that no money was taken. Another employee present during Robbery-2 ("Victim-3") told YPD officers in sum and substance that the man who entered the store was a black man wearing black clothes a red face mask, and that she observed the man enter Bodega-2, point what appeared to be a firearm at Victim-2, and demand money.

e. Surveillance footage from inside Bodega-2 shows that at approximately 10:40 p.m., a black man wearing a black

coat with fur trim, a red face mask, and black and white sneakers point what appears to be a gun at Victim-2, and then flee on Caryl Avenue. A still image from that surveillance footage is pictured below, with the sneakers circled in red ("Still-2"):



f. Also visible on the surveillance footage is a distinctive tattoo on the left hand of the man holding the gun, which is pictured below ("Still-3"):



g. On or about January 10, 2022, YPD received a report of an armed robbery ("Robbery-3"), which had happened the previous day at approximately 11 p.m. at a bodega at an address on McLean Ave. in Yonkers ("Bodega-3"). Surveillance footage shows at approximately 11:03 p.m. on January 9, 2022, a black



man wearing a dark jacket with a fur hood, dark colored pants, black and white sneakers, and a red or orange mask enter Bodega-3 and point what appears to be a black handgun at the cashier ("Victim-4"), who hands cash to the man. Vicitim-4 told YPD officers in sum and substance that a black man, who was short, skinny, approximately 18 years old, and wearing the same clothing pictured in the surveillance footage had come into the store, pointed a black handgun at him, and stated "Give me the money, give me everything, give me the one-hundreds." The manager of Bodega-3 told YPD officers that approximately \$850 to \$900 had been stolen.

4. Based on my review of criminal history reports associated with JAMES JOHNSON, the defendant, I am aware that JOHNSON was convicted on or about June 23, 2021 of assault in the second degree, in violation of NYPL 120.05(2), a Class D felony, and was sentenced on or about September 28, 2021 to 5 years' probation. Booking photos of JOHNSON in the YPD database, which I have reviewed, show a distinctive tattoo on his left hand, pictured below:



5. Based on my conversations with other law enforcement officers, I am aware that a YPD Detective ("Detective-1") who participated in a prior arrest of JAMES JOHNSON, the defendant, reviewed Still-1 and Still-3. Based on his familiarity with JOHNSON, and his review of the booking photos of JOHNSON in the

YPD database, Detective-1 is able to identify the person in Still-1 as JOHNSON, and the tattoo pictured in Still-3 as the tattoo on JOHNSON's left hand.

6. In connection with this investigation, I have also reviewed the public postings from a Facebook account ("Facebook Account-1") which I believe is currently used by JAMES JOHNSON, the defendant. I base this belief on my familiarity with JOHNSON's appearance after reviewing JOHNSON's booking picture from a New York criminal history report and YPD booking photos, as well as my review of multiple postings from Facebook Account-1 that show pictures of JOHNSON. Based on my review of Facebook Account-1, I know that on or about November 1, 2021, JOHNSON posted a picture of himself and another man ("Facebook Photo-1"). In Facebook Photo-1, JOHNSON is wearing the same black hooded sweatshirt with a white image of a bear on the front that can be seen in the surveillance footage inside Bodega-1 during Robbery-1 and outside Bodega-1 after Robbery-1. A cropped version of Facebook Photo-1, and the distinctive bear image on the sweatshirt is circled in red:



7. Based on my conversations with other law enforcement officers, I am aware that a probation officer with Westchester County Probation ("Probation Officer-1") supervises JAMES JOHNSON, the defendant, and that JOHNSON provided the address of an apartment ("Apartment-1") in a particular apartment building ("Building-1") to Probation Officer-1 as his home address.

8. Based on my review of surveillance footage recovered by the YPD from addresses on Saratoga Ave. in Yonkers which are

near Building-1 and my conversations with other law enforcement officers, I have learned that a man can be seen on surveillance footage leaving Building-1 on or about 10:32 p.m., shortly before Robbery-2, and entering Building-1 on or about 11:09 p.m., shortly after Robbery-3, wearing distinctive clothing—specifically, a dark jacket with a fur hood, dark colored pants, black and white sneakers, and a red or orange mask, which is the same clothing that the person who committed Robbery-2 and the person who committed Robbery-3 were described as wearing. I am also aware that Building-1 is approximately .4 miles away from Bodega-2 and .4 miles away from Bodega-3. Based on the distinctive clothing, the closeness in time between Robbery-3 and the entry of Building-1, and the fact that JAMES JOHNSON, the defendant, is known to live in Building-1, I believe that the person on the surveillance footage leaving Building-1 at or about 10:32 p.m. and entering Building-1 at or about 11:09 p.m. was JOHNSON.

9. On or about January 13, 2022, a search warrant (the "Search Warrant") was issued for Apartment-1 by the Hon. Judith C. McCarthy, U.S.M.J. On or about January 14, 2022, other law enforcement officers and I executed the Search Warrant. Based on my participation in the search of Apartment-1 and my conversations with other law enforcement officers also present, I am aware of the following:

a. JAMES JOHNSON, the defendant, was present at the search. JOHNSON identified a particular bedroom ("Bedroom-1") as his bedroom. In Bedroom-1, law enforcement found the following: a black hooded sweatshirt with white image of a bear on the front, and black and white sneakers. Based on my review of the surveillance footage of Robbery-1, Robbery-2, and Robbery-3, I believe the black hooded sweatshirt with image of a bear on the front recovered from Bedroom-1 is the same as the one worn by the person who committed Robbery-1, and the black and white sneakers recovered from Bedroom-1 are the same as those worn by the person who committed Robbery-2 and Robbery-3.

b. When law enforcement arrived, JOHNSON had been asleep on a couch in a common area of Apartment-1. Nearby the couch, law enforcement found a black jacket with fur trim and a red mask. Based on my review of the surveillance footage of Robbery-2 and Robbery-3, I believe the black jacket with fur trim and a red mask recovered from Apartment-1 are the same as those worn by the person who committed Robbery-2 and Robbery-3.



c. JOHNSON was read his Miranda rights and agreed to speak with law enforcement. JOHNSON admitted in sum and substance that he committed Robbery-1, Robbery-2, and Robbery-3, that the black hooded sweatshirt with the white image of a bear and black and white sneakers recovered from Bedroom-1 belonged to him, and that the black jacket with fur trim and red mask recovered from the common area of Apartment-1 belonged to him. JOHNSON further stated in sum and substance that in Robbery-1, Robbery-2, and Robbery-3, he used a BB gun or pellet gun, not a real gun, and that after Robbery-3 he disposed of the BB gun or pellet gun used in Robbery-2 and Robbery-3.

10. Based on the foregoing, I submit that there is probable cause to believe that JAMES JOHNSON, the defendant, committed Robbery-1, Robbery-2, and Robbery-3.

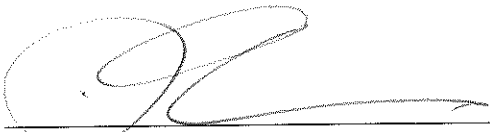
WHEREFORE, the deponent respectfully requests that JAMES JOHNSON, the defendant, be imprisoned or bailed, as the case may be.



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PATRICK LEWIS  
Special Agent  
Federal Bureau of Investigation

Sworn to before me through this 14 day of January, 2022.



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THE HONORABLE PAUL E. DAVISON  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK